

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**JUDY MARTIN, INDIVIDUALLY,
AND JUDY MARTIN, ADMINISTRATRIX
OF THE ESTATE OF FRANK MARTIN**

PLAINTIFF

V. 4:06CV337JMM

**ARKANSAS EDUCATION ASSOCIATION,
UNUM PROVIDENT CORPORATION, UNUM
LIFE INSURANCE COMPANY OF AMERICA,
UNUM BENEFIT PLAN, CHARLES EVANS,
JOHN DOE I, JOHN DOE II, AND JOHN DOE III**

DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AGAINST THE AEA**

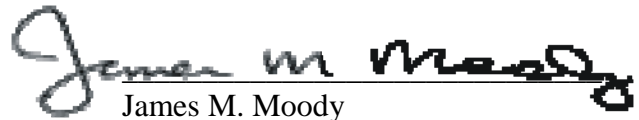
Pending is the Plaintiff's Motion for Summary Judgment Against the Arkansas Education Association (the "AEA"). The AEA has responded to the motion and the Plaintiff has replied.

In her motion, Plaintiff contends that there is no genuine issue of material fact left to be decided in this case and, therefore, the Court should enter judgment in favor of the Plaintiff against the AEA. Plaintiff claims that there is no dispute that Frank Martin requested information from the AEA through Charles Evans regarding his life insurance benefits and the steps necessary to convert his group life insurance policy to an individual policy upon his retirement. Plaintiff further claims that there is no dispute that the AEA failed to give Frank Martin a Summary Plan Description of his insurance benefits at any time.

The Court disagrees. The Court finds that there are genuine issues of material fact remaining as to whether Frank Martin requested and was provided information by the AEA regarding his life insurance plan.

For this reason, Plaintiff's Motion for Summary Judgment Against the AEA (Docket # 73) is DENIED.

IT IS SO ORDERED this 17th day of January 2007.

A handwritten signature in black ink, reading "James M. Moody". The signature is written in a cursive style with a horizontal line extending from the end of the name.

James M. Moody
United States District Judge